

Application No.: 10/088,894

Docket No.: 20459-00351-US

### **REMARKS**

Claims 21, 23-25, and 27-37 remain pending in this application. Claims 21, 25, and 30 are independent. Claims 21, 25, 30, 36, and 37 have been amended, and claims 22 and 26 have been canceled by this amendment. No claims have been added.

Applicants point out that previously withdrawn non-elected species claims 28, 29, 34, and 35 have been rejoined, as these claims now variously and ultimately depend from allowable generic claim 25.

Therefore, as discussed below, all pending claims in this application are now in condition for allowance.

Withdrawal of the rejection of claims 23-24 under 35 U.S.C. §112, second paragraph, as being indefinite, is requested.

Independent claim 21, from which these claims depend, has been amended in a manner which is believed to remove the stated bases for indefiniteness. In particular, claim 21 has been amended to incorporate the allowable subject matter of dependent claim 22, which provides the necessary antecedent basis for the dependent claim limitations.

Withdrawal of the rejection of claims 21, 25, and 27 under 35 U.S.C. §102(b), as being anticipated by Sullivan et al. (US 5,261,310) is requested.

Independent claims 21 and 25 have been amended to incorporate the allowable subject matter of dependent claims 22 and 26, respectively.

However, Applicants submit that Sullivan et al. does not disclose all the claimed limitations of these claims, i.e., Sullivan et al. does not describe a flick rammer, as that term is known and appreciated by persons with skill in the art. In this regard, Applicants are of the opinion that that a rammer of the type disclosed by Sullivan et al., propelled by a stiff pushing chain driven by an electric motor and pushing an artillery shell, is incapable of imparting the speed necessary for flick ramming.

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Withdrawal of the rejection of claims 21, 25, and 27 under 35 U.S.C. §102(b), as being anticipated by Lawrence et al. (US 5,131,316) is requested.

As discussed above, independent claims 21 and 25 have been amended to incorporate the allowable subject matter of dependent claims 22 and 26, respectively.

However, with regard to the disclosure of Lawrence et al., Applicants submit that the applied art does not disclose all the claimed limitations.

Withdrawal of the rejection of claims 21, 25, and 27 under 35 U.S.C. §103(a), as being unpatentable over Tellander et al. (US 5,773,747) in view of Andersson et al. (US 5,831,201) is requested.

As discussed above, independent claims 21 and 25 have been amended to incorporate the allowable subject matter of dependent claims 22 and 26, respectively.

However, with regard to the suggested combination of Tellander et al. and Andersson et al., the applied art, taken alone or in combination, does not teach or suggest all the claimed limitations.

Notwithstanding Applicants' disagreement with the Examiner's various interpretations of the applied art, in the interests of expediting prosecution and passage of the application to issue, independent claims 21 and 25 have been amended into allowable form, as discussed above.

Applicants note with appreciation the indication that claims 23-24 would be allowed if rewritten to overcome the §112, second paragraph, rejections for indefiniteness; and also that claims 22, 26, and 36-37 would be allowable if rewritten in independent form; and, finally, that claims 30-33 are allowed.

In reliance upon the indication of allowable subject matter, independent claim 21 has been amended to incorporate the allowable subject matter of claim 22, and independent claim 25 has been amended to incorporate the allowable subject matter of claim 26. Therefore, claims 21, 23-25, and 27-37 are now allowable.

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In particular, previously withdrawn species claims 28, 29, 34, and 35 are requested to be rejoined, as allowable independent claim 25 is generic.

In view of the above, each of the presently pending claims 21, 23-25, and 27-37 in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to enter this Amendment After Final, in that it raises no new issues, but merely places the claims in a form more clearly patentable over the references of record. In the alternative, the Examiner is respectfully requested to enter this Amendment After Final in that it reduces the issues for appeal.

If the Examiner believes that an interview would serve to resolve any remaining issues, the Examiner is invited to contact the undersigned attorney.

Applicant believes no fee is due with this response. However, if a fee is due, please charge CBLH Deposit Account No. 22-0185, under Order No. 20459-00351-US from which the undersigned is authorized to draw.

Respectfully submitted,

By

  
Larry J. Hume

Registration No.: 44,163  
CONNOLLY BOVE LODGE & HUTZ LLP  
1990 M Street, N.W., Suite 800  
Washington, DC 20036-3425  
(202) 331-7111  
(202) 293-6229 (Fax)  
Attorney for Applicant